

REMARKS

Status of the Claims

Claims 1-20 were subjected to a Restriction Requirement dated December 27, 2002, from which claims 1-14 were selected. Accordingly, claims 15-20 were withdrawn from consideration. Of the selected claims, claims 1-11 stand rejected. Claims 12-14 are objected to. No new claims have been cancelled or added.

Amended Claims

Claims 1 and 12 have been amended, in view of the Examiner's remarks in the Office Action dated November 25, 2003. Amended claim 1 finds support in the original specification at Figures 42 and 59, as well as page 40, lines 19-24 of the original specification. Amended claim 12 shares the same support as original claim 12. Applicant respectfully submits that no new matter has been added by these amendments.

The Response

A. Claim Rejections Under 35 USC § 102(b)

Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,419,232 to Arntyr et al ("Arntyr"). In particular, the Examiner states that "... Arntyr discloses an apparatus comprising a: (a) filtration device, seen as wire basket (2), dimensioned to fit in an inlet and obstructing part of the inlet, (b) a filtration device support, seen as holder ring (1) (c) an adjustable deflector ring connected to the filtration device support, seen as mounting flange (6), which can be viewed as one circular wall, and is adjustable in that it can be removed or lifted." Office Action dated November 25, 2003 at 2.

In the Office Action, the Examiner acknowledges that a distinguishing feature between the present invention and Arntyr is that the Applicants' adjustable deflector ring is *separate* from the filtration device support. *See id.* at 5 (stating "Applicant points out a distinguishing feature between applicant's invention and Arntyr...") In doing so, however, the Examiner also notes that "the claim recites no requirement of separateness." *Id.* at 5. In an effort to place these claims in a condition for allowance, Applicants have amended claim 1 to expressly recite, *inter alia*, "a separate adjustable deflector ring connected to said filtration device support...." As Arntyr discloses a mounting flange (6) *structurally integral* with the holder ring (1), the reference does not teach a filtration device, a filtration device support, and a separate adjustable deflector ring, as claimed and described in claim 1 of the present invention. As such, amended claim 1 is distinguishable from Arntyr.

For at least the foregoing reasons, Arntyr fails to include every material element of amended claim 1. Since claims 2-3 and 5-10 depend from claim 1, Arntyr similarly fails to anticipate these claims as well. Applicant thus respectfully submits that claims 1-3 and 5-10 are patentable over Arntyr.

B. Claim Rejections under § 103(a)

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Arntyr as applied to claim 1 above, and further in view of U.S. Patent No. 6,261,445 B1 to Singleton ("Singleton"). Specifically, the Examiner contends that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flange of Arntyr to include marking or advertising as taught by Singleton..." Office Action dated November 25, 2003 at 4. Considering the amendment to claim 1 discussed, Applicant submits that the cited references fail to teach each of the limitations in claim 4, which depends from claim 1. For the reasons provided above, Arntyr does not disclose a filtration device, a filtration device support,

and a separate adjustable deflector ring, as claimed and described in claim 4 of the present invention. Singleton fails to cure this deficiency, since its silt guard does not include an adjustable deflector ring as claimed and described in the present invention. See M.P.E.P. § 2143.03 (“To establish *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art); see also *In re Royka*, 490 F.2d 981 (CIPA 1974). As such, Applicants respectfully submit that claim 4 is patentable over the cited references.

Similarly, claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Arntyr. Specifically, the Examiner contends that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dimensions of the flange and therefore holder ring as well in Arntyr to fit within a particular catch basin....” Office Action dated November 25, 2003 at 4. For the reasons stated for claim 4, however, Arntyr does not teach or suggest all the claim limitations of claim 1, from which claim 11 depends. As such, claim 11 is patentable over the cited references.

C. Allowable Subject Matter

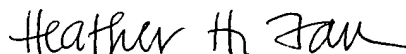
With respect to claims 12-14, the Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 12 has been amended to incorporate all of the limitations of original claim 1 and that of intervening claims. This rejection is therefore overcome.

CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for allowance. Outside the fee for the Extension of Time Petition, it is believed that no other fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is authorized to charge said fee to Deposit Account No. 08-3038, referencing Docket No. 11533.0012.CPUS05. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned.

Respectfully Submitted,

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